



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

September 17, 2013

Mr. Carl David
Martin Creek Water Association
P.O. Box 943
Kettle Falls, Washington 99141

Re: Water Right Application No. G3-30165

Dear Mr. David:

We have evaluated the application, community requirements, geology of the area and it appears the proposed well source would not meet the needs of the community. A new application has been filed to request water from the Columbia River.

Therefore Ground Water Application G3-30165 is hereby rejected.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903



Martin Creek Water Associations

G3-30165

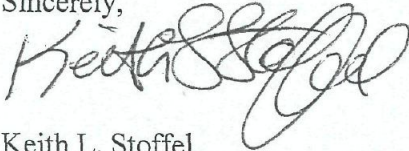
Page 2

September 17, 2013

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

If you have any questions, please contact Kevin Brown at (509) 329-3422.

Sincerely,



Keith L. Stoffel
Section Manager
Water Resources Program

KIS/KB:md

Enclosure: *Your Right to Be Heard*

By certified mail: 7011 3500 0001 8621 7163

7011 3500 0001 8621 7163

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Encl)	

Postmark
Here

To
 MR CARL DAVID
 MARTIN CREEK WATER ASSOC
 PO BOX 943
 KETTLE FALLS WA 99141

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR CARL DAVID
 MARTIN CREEK WATER ASSOCIATION
 PO BOX 943
 KETTLE FALLS WA 99141

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *[Signature]* ☐ Agent ☒ Addressee
- B. Received by (Printed Name) *JABichele Moffat* C. Date of Delivery *8/10/06*
- D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
- | | |
|---|---|
| <input type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

2. Article Number
 (Transfer from service label)

7011 3500 0001 8621 7163

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Brown, Kevin (ECY)

From: ANDERSON, ROBERT (DNR)
Sent: Thursday, August 29, 2013 11:54 AM
To: Brown, Kevin (ECY)
Cc: banderson@plix.com
Subject: RE: Water Right Application

Hi Kevin,

Sorry it took so long to get back to you. I appreciate your on-going status on Carl and my permit request.

Concerning MCCA Board I have talked over the below options to see what would be in our best interest. We believe the last option you mention below is best for our community. Having withdrawals from the River for irrigation and fire protection separate from our domestic wells would be the best option to meet our community's needs. We don't see the possibility of future well sites yielding near the quantity of water requested and needed (200 gpm, 75 acre feet) other than River.

Could you get me possible date(s) you are available to meet to accomplish MCCA filing a new request and meet the viable option discussed?

Thanks for your continued assistance on these matters.

Best to you for Labor Day ahead,

Robert J. Anderson
Forest Practice District Manager
DNR Northeast Region
S. 225 Silke Road
Colville, WA 99114
509-684-7474 Work
509-680-1876 Cell
Robert.Anderson@dnr.wa.gov

From: Brown, Kevin (ECY)
Sent: Thursday, August 22, 2013 1:38 PM
To: ANDERSON, ROBERT (DNR)
Subject: RE: Water Right Application

Thanks for the contracts. I forwarded them to Yakima. We should see something soon.

As far as the new Application G3-30165 for 200 gpm, 75 acre-feet for irrigation and domestic supply for the MCCA.

The proposed point of withdrawal is described as within the SE1/4SW1/4 of Section 17. We know that the wells drilled in this vicinity are poor producers and it would likely not be sufficient in capacity to meet the requested volume.

Option: Act on the application as is. In order to make a decision on the application (as currently requested) we would need to evaluate the physical availability of the proposed ground water. This would require issuance of a Preliminary Permit and allow you to drill and test within the proposed location and evaluate the hydraulic characteristics. Again, based on previous wells, probably not a good idea. Well construction costs, pumping etc and likely not much water.

Option: Change the proposed well location to land closer to the river. This would require an amendment of the application and a new advertisement in the newspaper. We would probably look at a Preliminary Permit to drill and test to evaluate physical capacity and hydraulic characteristics. If you construct a well that the static water level fluctuates with the river level, we could put you into the OCR program and issue a new permit at a \$35 cost/per acre-foot. If the static water level didn't come in with the river level, it would likely be a low producing well. Again, it may not be a good idea. We won't know until its drilled. The well driller last fall thought the land by the river contained a lot of clay. I don't know.

Option: Reject existing Application G3-30165. File a new application from the River. Irrigation and Fire protection for the community (need to figure out how much you really want to get and pay for). We could issue it from the OCR program. Would require annual payments, probably a second irrigation distribution system. DOH doesn't like surface water in the municipal drinking water. Another significant cost to the system.

If you want to come in and talk about these options give me a call. I don't want to leave the area without dealing with the application one way or another. (G3-30165)

From: ANDERSON, ROBERT (DNR)
Sent: Monday, August 12, 2013 7:11 AM
To: Brown, Kevin (ECY)
Subject: RE: Water Right Application

Hi Kevin,

I received the contracts in the mail Friday. Thank you! Will plan on sending back this week. Also, a big thank you on the start date. I don't have any questions at this time. Will notify you once I place them in the mail.

As far as applying for the community 200 gpm surface transfer. Should I come and visit like last time we transferred to show all our current well sites. Please let me know.

Thanks for your help on these matters.

Best regards,

Robert J. Anderson
Forest Practice District Manager
DNR Northeast Region
S. 225 Silke Road
Colville, WA 99114
509-684-7474 Work
509-680-1876 Cell
Robert.Anderson@dnr.wa.gov

From: Brown, Kevin (ECY)
Sent: Wednesday, August 07, 2013 2:13 PM
To: ANDERSON, ROBERT (DNR)
Subject: Water Right Application

I will be sending you in the mail the contracts (3) for the pending water right permit for your property and Mr. David. You both will need to sign all three contracts and return them. Once I get them back I will forward them to Yakima along with the report. Yakima (OCR Office) will sign and send you the final Report of Exam and a contract back to you.

I adjusted the contract start date out to 2014 so you won't need to make any payments till next year.

I'll be out of the office Aug 9-18. (509) 329-3422. Give me a call if you have questions.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

COPY

January 23, 2013

Mr. Carl David
Martin Creek Water Association
P.O. Box 943
Kettle Falls, Washington 99141

Re: Ground Water Application No. G3-30165
WRIA 58 – Ferry County

Dear Mr. David:

We have received the Affidavit of Publication of notice in connection with the above-numbered application on January 16, 2013.

You will be notified when an examination of your application will be made. Please be advised that you are required to obtain authorizations before you can begin using the water applied for under this application. Please note that no construction or water use should begin before a water right authorization is obtained.

If you have any questions with regards to this letter you may contact me at 509-329-3585.

Sincerely,

A handwritten signature in cursive script, reading "Karen Tusa", is written over a horizontal line.

Karen Tusa
Water Resources Program
Eastern Regional Office

KT:md



RECEIVED

JAN 16 2013

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON ss. COUNTY OF FERRY

RICHARD GRAHAM, being first duly sworn on oath disposes and says that he is the publisher of the REPUBLIC NEWS-MINER, a weekly newspaper. That said newspaper is a legal newspaper and is now and has been for more than six months since the date of the publication hereinafter referred to published in English language continually as a weekly newspaper in Ferry County, Washington. It is now and was during all of said time printed in an office maintained at the foresaid place of publication of said newspaper. That the said Republic News-Miner was on the 10th day of July, 1941, approved as a legal newspaper by the Superior Court of said Ferry County.

That the annexed is a true copy of Water Right as it was published in regular issues and not in supplement form, of said newspaper a period of Two weeks.

Commencing on 11/1/12, and ending on 11/8/12, both dates inclusive. That said newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing is the sum of 96⁰⁰, which amount has been paid in full.

Richard Graham, Publisher

LEGAL NOTICE

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY; Notice of application to appropriate public waters; Take notice that Martin Creek Water Association of Kettle Falls, WA on April 21, 1998 under Application No. G3-30165 filed for permit to appropriate public waters, subject to existing rights, from three wells in the amount of 200 gallons per minute, each year, for group domestic supply and seasonal irrigation of 75 acres. The sources of the proposed appropriation are all located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 17, T35N, R37E W.M., in Ferry County. Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a fifty (\$50) dollar recording fee and filed with the Department of Ecology, at the address shown below within thirty (30) days from 11/8/12. State of WA DOE Water Res Pgm ERO, POB#47611, Olympia WA 98504. MC-11/1&8C

SUBSCRIBED AND SWORN to before me this

1-15-2013

Yvonne M. Kyrkendall
Notary in and for the State of Washington
residing at Republic.

My commission expires: 6-19-14



AFF. OK: ✓
AFF. EXP.: Dec. 8, 2012
CHKD BY: RT



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

October 9, 2012

Mr. Carl David
Martin Creek Water Association
P.O. Box 943
Kettle Falls, WA 99141

COPY

Dear Mr. David:

Re: Application for Water Right No. G3-30165
WRIA 58 – Ferry County

We are ready to continue processing applications for water rights in your area.

Your next step is to publish a legal notice. The notice announces your proposed water use to the public and allows interested persons to comment. We have prepared and enclosed this notice for you.

Review Legal Notice Carefully

It is your responsibility to check the notice carefully before having it published. If you find an error, please contact this office for resolution. If we later find an error in your public notice, you may be required to publish an amended notice at your expense.

Publishing Legal Notice

You need to arrange and pay for publishing the legal notice in a newspaper in Ferry County.

- Publish the notice in the Republic News-Miner.
- Ensure that the notice appears once a week for two consecutive weeks.

If your published notice does not meet the above criteria, you will be required to have the notice republished at your expense.

Publication should start within 30 days from the date of this letter.

Next Step

You must request an Affidavit of Publication from the newspaper in which your notice appeared. The affidavit must be an original, notarized copy of your published notice. Please forward it to our office as soon as possible.

If you have any questions, you may contact me at 329-3585.

Sincerely,

Karen Tusa
Water Resources Program
Eastern Regional Office

KT:md

Enclosure: Legal Notice



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That Martin Creek Water Association of Kettle Falls, WA on April 21, 1998 under Application No. G3-30165 filed for permit to appropriate public waters, subject to existing rights, from three wells in the amount of 200 gallons per minute, each year, for group domestic supply & seasonal irrigation of 75 acres. The sources of the proposed appropriation are all located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 35 N., Range 37 E.W.M., in Ferry County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a fifty-(\$50.00) dollar recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from

(Last date of publication to be entered above by publisher)

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
WATER RESOURCES PROGRAM - ERO
PO BOX 47611
OLYMPIA, WA 98504-7611

NOTICE

G3-30165A



Summary:

There is an 800 foot nest buffer for eagles established near the shoreline but it is well outside the delivery area.

The land is undeveloped but surrounded by developed residential lots.

May require further SEPA review when development of residences occurs.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 5, 2011

Martin Creek Water Association
Mr. Carl David
P O Box 943
Kettle Falls, WA 99141

Re: Ground Water Application G3-30165

Dear Mr. David:

On December 9, 2009, Bob Anderson and I met to discuss the water right issues associated with the Martin Creek Water Association. Based on our discussion, the association currently has water rights under Certificate G3-25796C and Permit G3-29314P for a total of 101 gallons per minute, 50 acre-feet for development of the 49 lots. Your current water use is approximately 10 acre-feet per year for the existing development.

Ground Water Application G3-30165 requests an additional 200 gallons per minute, 161 acre-feet per year to supplement the existing 49 lot development and irrigate an additional 75 acres. The proposed location of an additional well is yet to be determined within the development. Mr. Anderson indicated the Association is reviewing various locations to determine where an additional well could best be located. Once this site is identified, we can evaluate the potential for a portion of this application to be included in the Program. At this time water is only available for municipal uses and source wells must meet the continuity and mitigation requirements established under the Lake Roosevelt Incremental Storage Release Program.

Once you have completed your analysis on future well locations we can evaluate your application under this Program. Your application will remain on file for any future processing.

If you have any questions, please feel free to contact me at (509)329-3422.

Sincerely,

Kevin Brown
Water Resources

KB:ka



RESPONSE SHEET

Washington State Department of Ecology
Lake Roosevelt Incremental Storage Releases Program
Please fill out and place in mail

1. Application Number: G3-30165
2. ☐ I am **not** the applicant, nor the legal representative of the applicant
3. ☒ I am the applicant and **I accept processing** under the program.
 - ☒ 3a. I will obtain the signatures of all the landowners in the proposed place of use, or modify the place of use.
 - ☐ 3b. I plan on assigning all interest in my application to another party.
 - ☐ 3c. I wish to divide the application into separate applications.
4. ☐ I decline processing at this time, but keep my application on file for future processing.
5. ☐ Cancel my application and withdraw this application from all present and future processing by Ecology.

Name (Printed) CARL E DAVID PRESIDENT MCCA

Signature Carl E David Date 3-9-2010

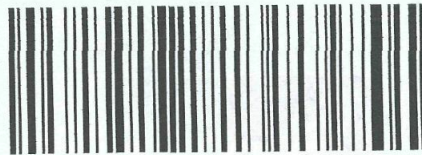
Please see reverse for instructions on mailing in your response.

↑ AFFIX TAPE HERE ↑

↓ FOLD ALONG THIS DOTTED LINE

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™



7006 2150 0003 6136 7539

MCCA
P.O. Box 943
Kettle Falls, WA 99141

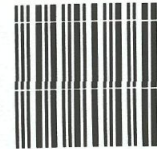
RECEIVED

MAR 11 2010

DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE

RETURN RECEIPT
REQUESTED

Department of Ecology
Office of Columbia River
Attn: Becky Zahler
15 W. Yakima Ave., Ste. 200
Yakima, WA. 98902-3452



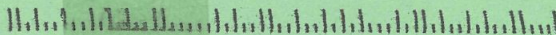
U.S. POSTAGE
PAID
KETTLE FALLS, WA
99141
MAR 10 10
AMOUNT

\$5.10
00029154-01

1000

98902

989023452 C016



↑ FOLD ALONG THIS DOTTED LINE FIRST ↑

Instructions for mailing your response:

1. Fold on dotted lines
2. Affix tape to close
3. Place in mail

February 26, 2010

Martin Creek Community Association
P.O. Box 943
Kettle Falls WA 99141-0943

RE: Water Right Application No. G3-30165

Dear Sir or Madam:

The Department of Ecology's Office of Columbia River (OCR) hopes to begin the process of permitting water from the Columbia River for municipal and industrial uses in the upcoming months. These permits are part of the Lake Roosevelt Incremental Storage Releases Program (Program).

Our records show that Martin Creek Community Association filed Water Right Application No. G3-30165 with Ecology on 4/21/1998. This application may meet the requirements for a new water right permit under this Program. In order to confirm eligibility, we need to update our records with current information from applicants. Please take a few minutes to fill out the enclosed Response Sheet and return it to us.

If you are not the applicant:

- Mark the box on the Response Sheet that states *I am not the applicant, nor the legal representative of the applicant.*
- Sign the Response Sheet and return it by **March 26, 2010.**

If you are the applicant, please:

- Fill out the remainder of the Response Sheet by checking all boxes that apply.
- Sign the Response Sheet and return it by **March 26, 2010.**

For your reference, a copy of your *Application for Water Right Permit* is available at http://www.ecy.wa.gov/programs/wr/cwp/cr_lkroos-permit.html. If you do not have access to the internet, call us and we will mail you a paper copy.

Application processing is based on the date Ecology received your application. Depending on water availability, some applicants may not receive a permit when processing of applications begins. If approved, water use under your permit will be mitigated by a water service contract between Ecology and the United States Bureau of Reclamation. You will be required to reimburse Ecology for the mitigation for your permit. We will provide you with an estimate of the cost per acre-foot of water when

FILE COPY

the water service contract is finalized. You are not obligated to pay Ecology any money by providing information on the Response Sheet. You are not obligated to agree to the terms of a water permit by accepting application processing.

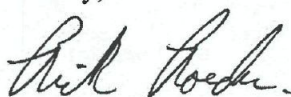
Our records indicate that you may not own all the land within the proposed place of use of water. Signatures on the application are required for everyone who owns land in the proposed place of use. For more information, please refer to item 3a on the enclosed Instructions for Completing the Response Sheet.

This application includes "domestic multiple" as a proposed purpose of use. Currently, Ecology is involved in litigation over the invalidation of three sections of the 2003 Municipal Water Law, including the definition of "municipal water supply purposes" and whether domestic multiple purposes is included in the definition. The Washington State Supreme Court is expected to issue a ruling in 2010. Applications that include multiple domestic purposes will be held from processing and the quantity of water needed to fulfill them will be reserved until the Court renders a decision. Ecology is collecting information on the Response Sheets in preparation for a Court decision that allows for domestic multiple uses to be processed under the program.

If you have questions or would like more information, please contact Gary Steele at (509) 249-6299 or e-mail at gary.steele@ecy.wa.gov. Program details are available at http://www.ecy.wa.gov/programs/wr/cwp/cr_lkroos.html.

Thank you in advance for responding promptly to this letter. By doing so, you are helping us to begin the permitting process more quickly.

Sincerely,



Rick Roeder
Operations Manager, Office of Columbia River

TH:RR:RAZ (100226)

Enclosures: *Instructions for Completing the Response Sheet*
Response sheet